

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SARAY DOKUM VE MADENI AKSAM SANAYI  
TURIZM A.S.,

Plaintiff,

-v-

MTS LOGISTICS INC.,

Defendant.

17 Civ. 7495 (JPC) (GWG)

ORDER

JOHN P. CRONAN, United States District Judge:

On January 12, 2022, Defendant filed a motion *in limine* seeking to preclude the admission of certain documents and the testimony of Plaintiff’s witness, Talin Dikici, at a bench trial in this action scheduled to commence on February 7, 2022. Dkts. 160-62. Plaintiff opposed Defendant’s motion on January 20, 2022, Dkts. 164-65, and, on January 21, 2022, the Court granted Defendant’s request to file a reply by January 25, 2022, Dkt. 167. It is hereby ordered that, by January 27, 2022, Plaintiff shall provide the following information to the Court accompanied by an affidavit or declaration, as necessary:

- With respect to the document identified in Exhibit B of the Declaration of Vincent M. DeOrchis, Dkt. 161 (“DeOrchis Declaration”), whether Plaintiff produced such document to Defendant during discovery or at any time prior to January 11, 2022.
  - If Plaintiff did produce to Defendant the document identified in Exhibit B of the DeOrchis Declaration during discovery or at any time prior to January 11, 2022, Plaintiff shall provide the date of the production(s) of such document as well as the applicable bates numbers, if any.
  - If Plaintiff did not produce to Defendant the document identified in Exhibit B of the DeOrchis Declaration prior to January 11, 2022, Plaintiff shall provide an explanation of why it failed to do so.
- With respect to the document identified as Plaintiff’s “Exhibit 36” in the Joint Pretrial Order (“Wire transfer confirmation for payment from Saray to Oxyde for the cargo at

issue”), Dkt. 156 at 24, whether Plaintiff produced such document to Defendant during discovery or at any time prior to January 11, 2022.


- If Plaintiff did produce Exhibit 36 to Defendant during discovery or at any time prior to January 11, 2022, Plaintiff shall provide the date of the production(s) of such document as well as the applicable bates numbers, if any.
  - If Plaintiff did not produce Exhibit 36 to Defendant prior to January 11, 2022, Plaintiff shall provide an explanation of why it failed to do so.
- With respect to Ms. Talin Dikici, who is identified as a trial witness for Plaintiff in the Joint Proposed Pretrial Order, Dkt. 156 at 18, whether Plaintiff disclosed Ms. Talin in its initial disclosures as an individual likely to have discoverable information as required under Federal Rule of Civil Procedure 26(a)(1)(A)(i) or otherwise identified Ms. Talin as a potential trial witness at any time prior to January 11, 2022.
  - If Plaintiff did disclose or identify Ms. Talin as an individual likely to have discoverable information under Rule 26(a)(1)(A)(i) or as a potential trial witness prior to January 11, 2022, Plaintiff shall provide the date of such disclosure(s).
  - If Plaintiff did not disclose or identify Ms. Talin as an individual likely to have discoverable information under Rule 26(a)(1)(A)(i) or as a potential trial witness prior to January 11, 2022, Plaintiff shall provide an explanation of why it failed to do so.

It is further ordered that Plaintiff shall provide the Court with a copy of Exhibit 36 as well as the “pro forma” invoices referenced in Defendant’s letter dated January 21, 2022. Dkt. 166.

The Court will address Defendant’s motion *in limine* at the final pretrial conference scheduled for February 1, 2022 at 11:00 a.m.

SO ORDERED.

Dated: January 24, 2022  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge